

MOSER LAW FIRM, PC



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December 22, 2023

**VIA ECF**

Hon. Lee G Dunst, USMJ  
United States District Court  
Eastern District of New York  
100 Federal Plaza, Courtroom 830  
Central Islip, NY 11722

Re: *Barahona et al v Paradise Tree Service & Landscape, Corp et al*,  
Case No. 21-cv-05400 (GRB)(AYS)

Dear Judge Dunst:

I represent the Plaintiffs in the above referenced FLSA claim. By this letter, I respectfully request until December 29, 2023 for the parties to submit a joint pretrial order.

On November 21, 2023, I sent Mr. Ingoglia a revised proposed joint Pretrial Order (PTO) consistent with the Court's instructions. The PTO was to be filed on December 21, 2023. I followed up with email requests for the Defendants' proposed contributions to the PTO on December 11<sup>th</sup>, 13<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup> and 20<sup>th</sup>.

On December 20, 2022 at 5:21 PM the Defendants furnished a revised but incomplete proposed PTO. Mr. Ingoglia advised that he still needed to go over his exhibit list. I requested that he furnish the Defendants' proposed PTO when complete. On December 21, 2023, Mr. Ingoglia advised me that he would be submitting his own PTO to the Court.<sup>1</sup>

I have called Mr. Ingoglia on his cell phone and office phone and have been unable to reach him to address the PTO.

For the foregoing reasons, I respectfully request an extension until December 29, 2023 to submit the Joint PTO, or, in the alternative, that the Plaintiffs be given leave to file *their* proposed PTO separately rather than jointly, along with a 2 page letter supplying the reasons for the Plaintiffs' proposed PTO.

Respectfully Submitted,

*Steven J. Moser*

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CC: All counsel of record via ECF

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<sup>1</sup> Annexed is a self-explanatory email chain between the parties concerning the PTO.